

## WATER RATE PROPOSED AT 35 CENTS; MINIMUM \$1.25

### HYDE'S BOND REVOKED AND PRISONER JAILED

Evidence Is So Strong Against the Prisoner That Judge Concludes It Is Not Right to Allow Him to Have His Liberty During the Trial—Evidence of a Druggist Very Damaging Against the Man on Trial—Wife Hysterical.

Kansas City, Mo., April 28.—Hugo Brecklein was recalled to the stand this morning when the Hyde murder trial began and questioned by attorney Walsh for the defense. Brecklein's testimony yesterday was considered very damaging to Dr. Hyde.

"Is cyanide of potassium used internally in quantities of one grain for cases of acute rheumatism, cleaning silver and dropping into the eye, etc.," asked Mr. Walsh. "It is," replied Brecklein. Mr. Walsh attempted to show that cyanide was put to many more common uses.

Mr. Brecklein said he had sold poison so few times that he could only refer to the attorney to what the books said.

**Young Swope Testifies.**  
Thomas H. Swope, Jr., then told of finding capsules which Dr. Hyde had thrown away on the street and of recognizing the odor they emitted as cyanide of potassium.

"December 15 while walking down Pleasant street in Independence," Swope said, "I saw Dr. Hyde approaching me. A block from me he crossed the street. Just after he stepped off the sidewalk, he dropped something and stepped on it. When he passed on I found a broken capsule in the snow. I picked it up. Going home, I noticed a peculiar smell about my hands. It was like burned almonds. Later I recalled that I had smelled that odor before, it was cyanide of potassium."

Mr. Swope worked in a mine in Tonopah, Nevada, and said he had used cyanide in testing gold and was familiar with its odor. Chemists later verified his belief that the capsules contained cyanide.

**Bond Is Revoked.**  
Dr. Hyde's bond of \$100,000 was revoked and the physician was returned to the county jail by the order of Judge

Latah at the close of the criminal court session last night. This action means Dr. Hyde must remain in prison until he is declared innocent by a jury, or is permitted by the court to furnish a new bond.

The action of the court was due to the nature of the evidence presented by the state against Dr. Hyde. Without notifying any one of his intention, Judge Latah summoned county marshal Joel B. Mayers into the court room, after the jury had been removed and said:

"In view of the testimony that has been thus far given in the trial, the court is constrained to say that it amounts to a presumption that, under the law, deprives the defendant of the right to go on bond, and he is hereby remanded to the custody of the marshal."

**Mother and Daughter.**  
Mrs. Hyde stared at the judge as he spoke and when he had finished she threw her arms about her husband's neck and sobbed hysterically.

Mrs. Logan O. Swope arose from her seat and hurried from the court room as soon as she understood the import of the judge's words. Later when she met Mrs. Hyde standing with an attorney in the hall, sobbing, she passed by quickly, boarded her automobile and went home.

**Attorney Protests.**  
Scarcely had the court ceased speaking when attorney John Lucas, representing Dr. Hyde, had the following statement entered into the record:

"The defendant maintains and alleges that the remanding of him to the county jail, pending the trial of his case, will have the effect of pre-

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### LATE SLEEP COSTS HIM \$50,000

Paulhan Wins Big Purse for Sailing From London to Manchester in Air.

### GOT STARTED AS ENGLISHMAN SLEPT

Manchester, England, April 28.—The first aerial derby for a prize offered by an Englishman has been won by a Frenchman and handsomely. A late sleep cost an English aviator \$50,000.

Louis Paulhan, lately returned from America, started from London late yesterday afternoon in an attempt to win a prize of \$50,000 offered by Lord Northcliffe for a flight from London to Manchester in 24 hours, with but two stops, arrived here at 5:30 this morning, almost exactly 12 hours after starting.

Paulhan was benumbed with cold and thoroughly exhausted when he landed, but a big crowd, which had watched him coming steadily as a steamer on a smooth sea, gave him an ovation.

Graham White, the Englishman who also started but who was compelled to descend 60 miles from Manchester, wired congratulations.

Paulhan did the last 24 miles in exactly 24 minutes.

The winning of the prize involved one of the most sensational contests ever seen in Great Britain.

It was a race between Graham White, the English aviator, and Paulhan, a Frenchman. White, a few days ago, attempted the trip but was compelled to descend and descend at Litchfield, after covering 115 miles. Paulhan then appeared on the scene and the two aviators made hasty preparations for the flight, each striving to be first at the start. Paulhan stole a march on the Englishman, ascending with him at 5:20 p. m. yesterday.

White, who was sleeping peacefully at the time, was apprised of this fact and made a quick start from Park Royal at 5:30 p. m. Paulhan, flying high and fast, covered 115 miles before he landed, making that distance in two hours and 50 minutes. He descended at Litchfield at 8:10 p. m. and reascended at 4:05 a. m. to complete his journey.

White succeeded in reaching Leeds, a distance of about 60 miles, descending on account of darkness at 7:55 p. m. He managed to overcome some of the handicap by starting again on the long journey to Manchester at 2:50 a. m. He landed, however, at Pooleworth, which is 40 miles from Manchester.

### CREEL TO HOLD DOWN TWO JOBS

Will Continue to Be Governor If He Becomes Foreign Minister.

Chihuahua, Mex., April 28.—While Gov. Creel has given out nothing official yet about his appointment as minister of foreign relations in President Diaz's cabinet, it is known, too, he is preparing to leave for Mexico about Sunday next. It is known, too, that Jose Ma. Sanchez, who was acting governor when Mr. Creel was Mexican ambassador to the United States, is to be chosen for the same position again. It is understood that Mr. Creel will not resign the governorship.

### RESUES FAMILY; MAY DIE FROM HIS BURNS

Tulsa, Okla., April 28.—H. M. Delaney received burns which probably will cost him his life, while rescuing his family from a fire which destroyed their home early this morning.

All were asleep when the flames broke out and the building was soon enveloped. He carried out his wife and two children.

H. J. Maple, of 513 Corto street, underwent an operation yesterday at a local hospital for appendicitis. He is doing well.

### ROBINSON IS NEW MAYOR OF CITY

Sweeney Resigns and McGhee Is Elected an Alderman; Fassett City Clerk.

### THANKS VOTED TO RETIRING MAYOR

It is not mayor Sweeney any more. It is plain Jos. U. Sweeney. He is not an officeholder any longer. At 12 o'clock Thursday, April 28, mayor Sweeney ceased to be and mayor Robinson came into power.

At the morning session of the city council, after he had read the proposed new franchise of the water company, mayor Sweeney tendered his resignation. The city clerk read it.

The mayor arose to speak but hesitated; a lump gathered in his throat; there was a sob in his voice and twice he stopped to take a drink of water. He said: "In tendering this resigna-



MAYOR ROBINSON.

tion, I want to thank you for your support, for the manner in which you have held up my hands during the time that I have been in office. I am leaving the mayor's office because I have devoted so much time to the city with detriment to my own interests, though I shall never regret a day that I have devoted to the service of the people of El Paso.

"I have not always had the most pleasant situations to deal with; I have made enemies by the enforcement of my policies, but I do not regret that and I am proud that I have made enemies in serving the people, but I go out of office with malice in my heart toward no one."

"For nine years the people of El Paso have supported me and elected me to office, supported me to a greater extent than I have deserved and I feel grateful toward them."

"My only regret in leaving office is that I leave this body of men with whom I have been intimately associated and from whom I have received such strong support for the past three years. We came in here practically strangers and now I leave those whom I consider my best friends. I am proud of the fact that we have never had any dissensions."

"I understand that Mr. Robinson will succeed me. I want to ask you to support him. I would have been unable to accomplish anything without your support; I would have been a failure without it and he cannot do anything unless you hold up his hands."

"Keep down all personal grievances between one another; we have had none and I hope you shall have none. I thank you, gentlemen."

**A Word of Praise.**  
The mayor remained standing and alderman Blumenthal, arising, addressed his as follows: "I want to express my sincere thanks for what you have done for me and for El Paso. In accepting your resignation we do so with regret."

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### ATTEMPT TO BUY CAMP CITY

California Man Tries to Purchase Townsite for \$25,000 After Seeing Well.

### DRILLERS MAKE FINE PROGRESS

Camp City, N. M., April 28.—Representing a syndicate of Californians, a man made an offer yesterday to the owners of Camp City townsite, according to their statement, of \$25,000 for their holdings, but they refused it. He made the offer after taking a look at the well and looking over conditions generally in this region.

All of the land in this township and for two miles out of the township, has been staked off and claimed by persons who have faith in the field and believe that it will produce oil.

A. F. Fegan, of the William Jennings Co., in El Paso, came back today and went on to Alamogordo to file on claims he staked out the other day. Mr. Fegan used to represent an oil company in the southwestern commercial field and he says Camp City oil prospects look good to him.

The drillers are making splendid progress in clearing the well of the sand in their endeavor to reach the drill and resume work. They have got down 800 feet and have gone through 230 feet of the sand which has been holding down the drill. The gas bubbles are still noticeable in the water pumped out.

As the depth of the well is 1270 feet the drillers ought to get to the drill some time today if nothing happens to retard the work.

It was a Tumacacri company and not a Tularosa company that was formed for the purpose of erecting a derrick and drilling for oil on filings made by the people of that town.

### ROOSEVELT IS NOW IN BRUSSELS

Joined by His Family, He Journeys From Paris to Belgium.

Paris, France, April 28.—Mr. Roosevelt's visit to Paris, during which he was showered with honors terminated today, when, accompanied by Mrs. Roosevelt, Ethel and Kevin, who joined him here, took the morning train for Brussels.

The family was given an enthusiastic send off at the railway station.

Brussels, Belgium, April 28.—The Roosevelts arrived here from Paris at noon. Their welcome was most cordial.

There was a great throng at the station when the train arrived and Mr. Roosevelt was loudly cheered as he was officially welcomed by burgomaster Max and baron de Moor, aide-de-camp to king Albert.

### FAMILY STARVING; STEALS BACON; 2½ YEARS IN PEN

Weatherford, Texas, April 28.—Sid Leftwich, of Penster, near here, received a sentence of two and a half years in the penitentiary for the theft of four sides of bacon, taken, he says, to keep his family from starving. An effort probably will be made to obtain a pardon for Leftwich.

### SETTLING A STRIKE.

Kansas City, Mo., April 28.—Ninety percent of the coal operators in Missouri, Kansas, Oklahoma and Arkansas met today to formulate a proposition to submit to 35,000 striking coal miners in the southwest. The miners have already submitted the proposition to the operators and a joint meeting probably will be held tomorrow.

### BUILDING A ROAD TO WHITWATER FROM BURRO

Active Construction on Railroad From Whitewater Into This Rich Camp.

### CHEMUNG COMPANY IS BUILDING IT

That at least five miles of railroad grade is already built between Whitewater, New Mexico, and the rich mines in the Burro mountains of New Mexico, is the declaration of E. A. Wayne, one of the best known mining men in the southwest. Mr. Wayne is the man who formed the Savanna company and later consolidated the Chance and the Top mines in the Mogollons also near Silver City. The Savanna is in the Burro district to which the railroad is now building.

The completion of this line of road from Whitewater, which is on the Santa Fe's Silver City branch line, in all that the Burro district needs to make it one of the richest copper producers in the southwest; not alone copper, but zinc, iron and silver, too. Mr. Wayne says this and other mining men are of the same opinion and have been for years. The Phelps-Dodge company is heavily interested in the district, which is one of the guarantees of its richness, for this company has never made any investments in poor propositions.

**Phelps-Dodge Co. Interested.**  
The Phelps-Dodge company is said to be behind the railroad, but this has been denied by general manager H. A. Simmons, of the Southwestern railroad, the Phelps-Dodge railway corporation. James Douglas is in active charge of the construction work of the railroad, but Mr. Simmons says that Mr. Douglas left the Phelps-Dodge company, of which his father, Prof. James Douglas, is president, and has taken service with the Chemung Copper company, which is nominally building the line from Whitewater to the Burro mountains. Mr. Douglas, Jr., was formerly manager of the Phelps-Dodge Mexican properties, with headquarters at Nacozari, Sonora.

**Difficult Construction Work.**  
Mr. Wayne declares that there is

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### COLQUITT IS ROAD TO ANGRY AT PROS

Takes a Rap at Them and Calls Them Embezzlers of Constitutional Rights.

### ADDRESSES VOTERS AT BIG SPRINGS

Midland, Tex., April 28.—Hon. O. B. Colquitt, candidate for governor, addressed a crowd of 600 men in the opera house last night. He was introduced by Hon. Jno. B. Howard, of Stanton, who praised him for his position with reference to the constitution and the people's rights.

Mr. Colquitt spoke for two hours, his speech being similar to those he has delivered since he left south Texas. He announced that he was against the submission of a constitutional amendment, and, of course, against statutory prohibition. He made the local self government argument and begged that the people of Texas be given a rest from political agitation.

He was more severe on Davidson than either of the other candidates. Each one came in for his share of notice. He spoke in favor of fewer laws and said the people needed a rest so that they could adjust themselves to those laws already on the statute books. Mr. Colquitt carries with him a copy of the constitution to which he refers repeatedly.

He defended those legislators who disregarded the Democratic platform and said that each representative had the right to abide by the sentiment of his district.

He argued that prohibition was a moral question and should be settled out side of politics. He accused the prohibitionists of trying to throw the responsibility of settling this matter upon sinners "in the legislature."

He said: "Man's appetite is God given and no law can change or curb that which of the petty power cannot." He raised Dr. Rankin a time or two but was lighter on all of his opponents than the people expected him to be.

He argued that only 25 percent of the people of Texas were trying to change

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### ALBUQUERQUE TRYING TO INJURE THE DAM

Albuquerque, N. M., April 28.—At a meeting of the Albuquerque Commercial club last night it was decided to hold a joint mass meeting in this city May 11, in which all cities of northern New Mexico will be invited to participate, to protest against the attitude of the government in preventing the construction of storage reservoirs above the location of the Elephant Butte dam.

### TRANSFORMATION OF A PESSIMIST BY A CHILD

Music and Southwestern Sun Also Help To Chase the Grouch Away.

He was a grouch; it was visible to everyone who saw him; for his face was wrinkled and his mouth drooped at the corners in a manner that only the mouths of grouches do. He was young but he had soured on the world, and the world on him. He had forgotten how to smile. But he is now cured. The wrinkles are still there but they form a smile instead of a frown.

Sunday he went to Cleveland square and he had the grouch with him, in fact he had not without it for a long time, but he lost it up there in front of the big bandstand at the rear of Carnegie library. A little child cured him.

As the soft strains of an Italian opera floated out across the green, the lines in the grouch's face relaxed. He actually found himself enjoying the music and

he looked up when the selection was finished and again heard music; not that of the band, but the music of children's voices.

Pretty children they were, with hair flying in the breeze; pretty chubby faces, kissed by the southwest sun, and little bare arms and bare legs as yet not browned by its heat, yet healthy, happy, frolicsome children, romping and playing on the grass. One of them came to the grouch and smiled at him; it hurt, for it did not seem natural, but the grouch smiled back.

There was contagion in the smile of that little curly-haired boy in his blouse and Russian knickerbockers, and the man smiled again. The little fellow crept closer to him and soon they were chatting like two old cronies and the boy was telling him all about mama and

papa. The world had lost but the baby had won, and the man went away smiling. He soon came back, and he found the boy a second time and he forgot his grouch for all time.

Then he saw other children, he noticed how happy they were, how carefree and how they were dressed in white. He had wondered before why El Paso children were all dressed in white. It seemed so expensive to dress children in white and he asked the boy and the boy told him.

"My mama says it costs lots of money to keep my white clothes clean, but she knows they are best because the sun can creep through and the sun is good for little boys, yes, and little girls, too, an' I like 'em."

And the grouch admitted that he did, too.

### CITY WANTS COURT TO LIMIT PROFITS CAN'T REGULATE RATES

Water Company Balks at Stipulations That Limit Company's Earnings.

### ON OTHER POINTS BOTH CAN AGREE

New Franchise for Company Is Introduced in the City Council.

Judge Maxey Refers the Matter of Rates to the City and Company.

### SAYERS FIXES A BASIC RATE

Judge Maxey Says He Will Discharge Receiver When City and Company Agree.

The new minimum charge for water will be \$1.25 a month, instead of 90 cents, the old rate, provided the city and water company reach agreement on one other point.

The new charge per thousand will be 35 cents instead of 20 cents, the old rate, provided the company accepts the terms the city seeks to impose.

The International Water company will at once put in over \$400,000 worth of work and agree to furnish the city with an ample supply of pure mesa water.

The city will regulate and decide the matter of minimum charges in tenement houses.

The receiver will be discharged after the city and company reach an agreement.

Federal Judge Maxey refused to take the responsibility for fixing a rate or deciding the minimum rate matter in reference to tenements, but referred them to the city. Master in chancery J. D. Sayers, ex-governor of Texas, recommends the new rates, after lengthy conferences with water officials and city officials, and Judge Maxey referred it all to the city council. The council and the water officials agreed at once on all but one clause in a new franchise; that clause regulates the amount which the company can earn and the company objects, officials believing it too small.

The city council Thursday morning took up the water question with the determination to end the trouble in the granting of a new franchise. Just as the council had finished the other business of the day, city attorney Caldwell arrived from the federal court and W. H. Burgess, attorney for the water company, came at the same time.

Mayor Sweeney then said: "We have been engaged in an endeavor to adjust the water matter. We have agreed on every point except one. The water company and myself cannot get together on one point."

"I have here an ordinance amending the franchise of the water company. The improvements recommended by ex-governor Sayers and engineer Hunt will be inserted, then the schedule of rates; third, mesa water; fourth, an option to purchase the plant in three years from the present time at value to be fixed by an amount to be determined upon then; the 640 acres of land not to be valued at more than \$2,000. Land is increasing in value and this insures to the city of El Paso that no matter what the increase in value, no more than this amount shall be paid."

"In the event the city and water company cannot agree on the price to be paid, then arbitrators shall be appointed. The arbitrators shall not be residents of El Paso, shall have no real estate here, shall have no interest in

Holding that the court had neither power as a judicial body to change the contract now existing between the International Water company and the city of El Paso; also that the court had not the power to raise rates but had only the power to say whether the rates were unreasonable or not, Judge T. S. Maxey, sitting in the United States court Thursday morning accepted the supplementary report of ex-governor Sayers, master in chancery in the water case, fixing the new rates to be charged. He then referred it back to the city and the water company, as a basis upon which a new contract could be entered into between these two parties with a view of carrying out the recommendations made by the master in his original report to the court in which he held that rates should be increased to enable the company to make \$225,000 on its investment.

There was no exception to the supplementary report of the master and immediately upon the announcement of the court's finding, the attorneys for the city and company left the court room to take the matter up with the city council with a view of formulating a new contract which would include the findings of fact contained in ex-governor Sayers supplementary report.

Agreeable to Court.  
As soon as the two parties to the

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### REPORT OF THE MASTER TO THE FEDERAL COURT

No. 59. In Equity.  
In the United States Circuit Court,  
Western District of Texas,  
El Paso Division.

City of El Paso  
vs.  
International Water Company.

Comes the master, and in obedience to instructions by the court, submits the following additional supplemental report:

As to the rates to be imposed in order that the International Water company may realize the amount of \$225,000, as annual gross earnings, the master recommends as necessary the following water rates:

Residences, boarding houses, office buildings, stores and other trading establishments, 35 cents per 1000 gallons, subject to a minimum monthly charge of \$1.25 to each consumer which minimum entitles the consumer to use of 2000 gallons of water.

Factories, dairies, schools, hotels, hydraulic elevators, hospitals, and other commercial enterprises, not otherwise enumerated, using 100,000 gallons or more per month, 20 cents per 1000 gallons, the minimum rate to be \$20.

City parks, schools and other city buildings, 20 cents per 1000 gallons, after 18,000,000 gallons of free water is consumed.

Sprinkling city streets, 20 cents per 1000 gallons.

City fire hydrants, \$52.50 per year.

City flush tanks, \$48 per year.

Private fire hydrants, which are installed and maintained at consumer's expense, \$26.25 per year.

Railroads, using 1,500,000 or more gallons per month, 12 1/2 cents per 1000 gallons; less than amount specified, 20 cents per 1000 gallons.

The above rates were jointly prepared by Frank H. Todd, city engineer, and W. E. Anderson, manager of the company, and were submitted by them to the master as having been carefully considered and prepared. These gentlemen state in their testimony, which is herewith presented, that in the rates there is no discrimination for or against any class or interest, and that the rates were prepared by them with the view that their burden should be equitably borne by the people.

The master recommends the adoption of these rates to the court upon the conditions: (1.) That the International Water company shall furnish the city and its residents with an adequate supply of water exclusively from the mesa; (2.) That the company at once put the large shaft well, now unused on the mesa, in such condition that it will render effective and successful service for supplying water; and (3.) That the company will without delay expend not less than \$442,730 in order to comply with the requirements of the city ordinances, and to construct improvements and additions to its plant in accordance with the plans and specifications submitted by its manager (W. E. Anderson) at the hearing begun by the master at the city of El Paso, on March 18, 1910.

In reaching the conclusion above stated, the master has borne in mind that if any mistake has been made in the foregoing table of rates, the city council of El Paso has ample authority, under the act of February 25, 1907, to correct the same.

Respectfully submitted,

Jos. D. Sayers, Master.